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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11	PHILLIP YOUNG,	)	Civil No. 06-CV-1746-L(RBB)
12	Plaintiff,	)	
13	v.	)	<b>ORDER GRANTING IESHA JONES'</b>
14	UNITED STATES OF AMERICA,	)	<b>MOTION TO INTERVENE [doc. #10]</b>
15	Defendant.	)	
16	_____	)	

17 Iesha Jones (“applicant”) moves to intervene [doc. #10] in the above-captioned case.  
18 Defendant United States filed a conditional opposition to applicant’s motion. Having fully  
19 considered the matters presented, the Court will grant Iesha Jones leave to intervene in this  
20 action.

21 **Discussion**

22 Plaintiff Phillip Young is the father of Joshua Jones, who was struck by a USPS truck in  
23 Oceanside, California on February 4, 2005, and died as a result of the injuries sustained in the  
24 accident and as a result of defendant’s alleged negligence. Plaintiff brings this action under the  
25 Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 1346(b), 2671-80. Iesha Jones, the mother of  
26 Joshua Jones, moves under Federal Rule of Civil Procedure 24 for permission to intervene as a plaintiff  
27 in this action. She argues that she satisfies the standard of either joinder of right (Rule 24(a)(2)), or  
28 permissive intervention (Rule 24(b)).

1 Under Rule 24(a)(2), an applicant can move to intervene as of right when she files a timely  
2 application and:

3 when the applicant claims an interest relating to the property or transaction which is the  
4 subject of the action and the applicant is so situated that the disposition of the action may  
5 as a practical matter impair or impede the applicant's ability to protect that interest,  
6 unless the applicant's interest is adequately represented by existing parties.


6 FED. R. CIV. P. 24(a)(2).

7 As noted above, defendant filed a conditional opposition to the applicant's motion. In  
8 addition to the United States of America, defendant contends that the proposed complaint-in-  
9 intervention names two improper parties: the United States Postal Service ("USPS") and a USPS  
10 employee, Arnold Crowell. Although defendant has no objection to the applicant's intervention  
11 in the action, it does seek dismissal of the improper parties under the FTCA. The Ninth Circuit  
12 has recognized that the United States is the sole proper defendant in a suit brought under the  
13 FTCA. *Allen v. Veterans Administration*, 749 F.2d 1386, 1388 (9th Cir. 1984). The Court  
14 further notes that the applicant has not filed a reply to defendant's conditional opposition. The  
15 Court construes the applicant's silence with respect to this particular issue to be a consent to the  
16 dismissal of the USPS and Arnold Crowell, the USPS employee.

17 Based on the foregoing, **IT IS ORDERED** granting applicant Iesha Jones' motion to  
18 intervene. **IT IS FURTHER ORDERED** dismissing with prejudice from this action the United  
19 States Postal Service and Postal Employee Arnold Crowell. **IT IS FURTHER ORDERED**  
20 Iesha Jones shall file her complaint-in-intervention not later than April 6, 2007.

21 **IT IS SO ORDERED.**

22 DATED: March 26, 2007

23   
24 M. James Lorenz  
United States District Court Judge

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1 COPY TO:

2 HON. RUBEN B. BROOKS  
3 UNITED STATES MAGISTRATE JUDGE

4 ALL PARTIES/COUNSEL